

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

GAYATHRI MURTHY,	)	
	)	
Plaintiff,	)	
	)	CASE NO. 4:11-cv-00105-KPE
v.	)	
	)	JURY TRIAL DEMANDED
ABBOTT LABORATORIES,	)	
	)	
Defendant.	)	

**APPENDIX IN SUPPORT OF RESPONSE TO  
PLAINTIFF’S SUPPLEMENTAL MEMORANDUM**

Abbott Laboratories files this appendix of supporting evidence (“Appendix”). The Appendix is filed contemporaneously with and in support of Defendant’s Response to Plaintiff’s Supplemental Memorandum In Support of Response to Motion to Dismiss. The Appendix contains the authorities listed below and attached hereto.

*Gonzales v. Estes, Inc.*,  
No. SA-10-CA-0038-XR, 2010 WL 610778 (W.D. Tex. Feb. 19, 2010) ..... App. Tab 1

*Harris v. New Werner Holding Co., Inc.*,  
No. 3:08-CV-1750-L, 2009 WL 1211409 (N.D. Tex. May 1, 2009) ..... App. Tab 2

*In re Aredia and Zometa Prods. Liab. Litig.*,  
No. 3:06-MD-1760, 2008 WL 2944910 (M.D. Tenn. July 25, 2008) .....App. Tab 3

*Thurston v. Merck and Co. Inc.*,  
415 F. App’x 585 (5th Cir. Mar. 9, 2011) .....App. Tab 4

DATED: September 9, 2011

Respectfully submitted,

John Henderson  
Bryan Pollard  
WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP  
Bank of America Plaza  
901 Main Street, Suite 4800  
Dallas, TX 75202  
Telephone: (214) 698-8005  
Fax: (214) 698-8000  
john.henderson@wilsonelser.com  
bryan.pollard@wilsonelser.com

*Of Counsel for Defendant  
Abbott Laboratories*

/s/ Michael P. Foradas  
Michael P. Foradas, *Attorney-in-charge*  
Renee D. Smith  
Andrew P. Bautista  
KIRKLAND & ELLIS LLP  
300 N. LaSalle Street  
Chicago, IL 60654  
Telephone: (312) 862-2000  
Facsimile: (312) 862-2200  
mforadas@kirkland.com  
rdsmith@kirkland.com  
abautista@kirkland.com

*Attorneys for Defendant  
Abbott Laboratories*

### **CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2011, I electronically filed the foregoing document and the accompanying motion with the clerk of court for the U.S. District Court, Southern District of Texas, using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorneys of record who are known "Filing Users":

Arnold Anderson (Andy) Vickery  
Fred H. Shepherd  
VICKERY, WALDNER & MALLIA, LLP  
1330 Post Oak Blvd., Suite 1800  
Houston, TX 77056-1920  
Telephone: 713-526-1100  
Facsimile: 713-523-5939

In addition, I served a copy of the foregoing document by U.S. mail at the addresses above.

/s/ John R. Henderson  
John R. Henderson